



16244

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Himmelsbach, F. et al) Art Unit: 1624
Serial No. : 10/016,280) Examiner: Patel, S.
Confirmation No. : 7351
Filed : December 10, 2001
For : Bicyclic heterocycles, pharmaceutical compositions
containing these compounds, their use and processes
for preparing them
Docket No. : 5/1262

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO ELECTION/RESTRICTION

Sir:

This is in response to the Office action mailed on March 31, 2003, setting forth an election of species requirement and a one-month period for reply. A Petition for Extension of Time for one month up to and including June 2, 2003 (May 31, 2003 being a Saturday) is submitted herewith, together with the necessary fee.

According to the Examiner, claims 1, 2, 7, 10, and 11 are generic to a plurality of disclosed patentably distinct species comprising variable X of generic Formula (I) wherein X=CH-CN or X=N. The Examiner requires election to a single disclosed species with all variables (X, Ra, Rb, A, B, C, D, and E) exactly and definitely known.

Applicants hereby elect X=N wherein the variable are defined as follows:

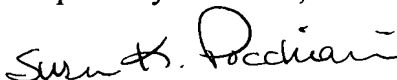
X: nitrogen
A: imino (-NH-)
B: carbonyl
C: 1,2-vinylene
D: methylene
E: diethylamino
Ra: hydrogen
Rb: phenyl substituted by R1=H, R2=F, and R3=Cl
Rc: cyclopropyl-methoxy

Support for the above compound, *i.e.*, 4-[(3-Chloro-4-fluorophenyl)amino]-6-{{[4-(N,N-diethylamino)-1-oxo-2-buten-1-yl]amino}-7-cyclopropylmethoxy-quinazoline, can be found throughout the specification, *inter alia*, in Example 3.

An examination on the merits is respectfully requested.

If any points remain at issue which can best be resolved by way of a telephonic or personal interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,




Susan K. Pocchiari
Attorney for Applicant(s)
Reg. No. 45,016

Patent Department
Boehringer Ingelheim Corp.
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT. 06877
Tel.: (203) 798-5648
June 2, 2003

I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office by first class mail to the following address:

Commissioner for Patents
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on: June 2, 2003.



By: Susan K. Pocchiari
Reg. No. 45,016